

Article - Education

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§14–104.

(a) In addition to any other powers granted and duties imposed by this subtitle, and subject to the provisions of Title 11 of this article and any other restrictions imposed by law by specific reference to the University or by any trust agreement involving a pledge of property or money, the Board of Regents:

(1) Is responsible for the management of the University and has all the powers, rights, and privileges that go with that responsibility, including the powers and duties set forth in this section;

(2) May not be superseded in its authority by any other State agency or office in managing the affairs of the University; and

(3) Shall have all the powers of a Maryland corporation which are not limited by law by specific reference to the University.

(b) In addition to the powers set forth elsewhere in this subtitle, the University may:

(1) Adopt and alter an official seal;

(2) Maintain an office at the place the Board of Regents may designate;

(3) Enter into contracts of any kind, and execute all instruments necessary or convenient with respect to its carrying out the powers in this subtitle to accomplish the purposes of the University; and

(4) In accordance with subsection (q)(6) of this section, acquire, hold, lease, use, encumber, transfer, exchange, or dispose of real and personal property.

(c) In addition to the powers set forth in Title 19 of this article and subject to the approval of the Board of Public Works, the University may borrow money from any source for any corporate purpose, including working capital for its operations, reserve funds or interest, and mortgage, pledge, or otherwise encumber the property or funds of the University, and contract with or engage the services of any person in connection with any financing, including financial institutions, issuers of credit, or insurers.

(d) (1) The Board of Regents may adopt rules and regulations not inconsistent with law for the government and management of the University.

(2) Subject to Title 3 of the General Provisions Article, the Board of Regents may adopt rules and regulations and prescribe policies and procedures for the management, maintenance, operation, and control of the University.

(3) Except with respect to classified employee grievance appeals, Title 10, Subtitles 1 and 2 of the State Government Article (“Administrative Procedure Act”) are not applicable to the Board of Regents.

(e) The Board of Regents may review or adopt policies and procedures of the University with respect to:

- (1) Accreditation;
- (2) Programs and functions;
- (3) Actual and potential capabilities;
- (4) Admissions;
- (5) Curricula;
- (6) Graduation;
- (7) The awarding of degrees; and
- (8) General policymaking.

(f) The Board of Regents may prepare and submit annual budgets and spend funds budgeted for nonsalary items on appropriate activities.

(g) Subject to any applicable State law, rule, or regulation, the Board of Regents may contract with any person to receive or provide services, research, training, or demonstrations.

(h) (1) (i) On the recommendation of the President, and in accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Regents shall establish general standards and guidelines governing the appointment, compensation, advancement, tenure, and termination of all faculty, executive staff, and professional administrative personnel in the University.

(ii) Subject to such standards and guidelines, and in accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the President may:

1. Adopt additional personnel policies, including consideration of hiring a contractual employee to fill a vacant position in the same or similar classification in which the contractual employee is employed; and

2. Approve individual personnel actions affecting the terms and conditions of academic and administrative appointments.

(2) Except as otherwise provided by law, appointments of the University are not subject to or controlled by the provisions of the State Personnel and Pensions Article that govern the State Personnel Management System.

(3) (i) Notwithstanding any other provision of law, the Board of Regents may create any position to the extent that the cost of the position, including any fringe benefit costs, is funded from existing funds.

(ii) Nothing in this paragraph may be construed to require any additional State General Fund support.

(iii) By September 1 of each year, the Board of Regents shall submit an annual position accountability report to the Department of Budget and Management, the Department of Legislative Services, and the Maryland Higher Education Commission reporting the total positions created and the cost and the funding source for any positions created by the University in the previous fiscal year.

(4) On the recommendation of the President, the Board of Regents shall designate one or more representatives to participate as a party in collective bargaining on behalf of the University in accordance with Title 3 of the State Personnel and Pensions Article.

(i) In accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Regents shall establish general policies and guidelines governing the appointment, compensation, advancement, tenure, and termination of all classified personnel.

(j) The Board of Regents shall:

(1) Fix tuition and other fees paid by resident and nonresident students;

(2) Except for tuition, use the receipts of the fees for the purpose for which they were collected without fiscal year limitation;

(3) Review and approve before implementation each proposal for:

(i) Any new program; and

(ii) Any substantial expansion, curtailment, or discontinuance of any existing program; and

(4) Review, modify as it deems necessary, and approve any operating or capital budget requests.

(k) (1) The Board of Regents shall appoint a President of the University who shall be the Chief Executive Officer of the University and the Chief of Staff for the Board of Regents.

(2) The President serves at the pleasure of the Board of Regents.

(3) The President shall:

(i) Be responsible and accountable to the Board of Regents for the discipline and successful conduct of the University and supervision of each of its departments; and

(ii) Take every initiative in:

1. Implementing the policies of the Board of Regents;
2. Promoting the University's development and efficiency.

(4) Subject to the authority and applicable policies of the Board of Regents, the President shall:

(i) Develop a plan of institutional mission, goals, and priorities;

(ii) Have the authority to develop new academic programs and curtail or eliminate existing programs;

(iii) Formulate operating and capital budget requests;

(iv) Appoint, promote, fix salaries, grant tenure, assign duties, and terminate personnel;

(v) Establish admissions standards;

(vi) Set tuition and fees;

(vii) Administer financial aid;

(viii) Enter into contracts and cooperative agreements;

(ix) Have the authority to accept gifts and grants and maintain and manage endowment income;

(x) Have the authority to recommend a change in the name or status of the institution;

(xi) Regulate and administer athletic and student activities;

(xii) In compliance with State, federal, and Board of Regents mandates and policies, oversee affirmative action and equal employment opportunities;

(xiii) Establish organizations for the administration of campus alumni affairs;

(xiv) Establish traffic regulations for the campus; and

(xv) Perform any other duties assigned by the Board of Regents.

(5) The President may delegate authority to appoint and remove personnel to the vice presidents and program directors of the University.

(l) (1) The Board of Regents may apply for, accept, and spend any gift or grant from the federal government, any foundation, or any other person.

(2) Any gift or grant the Board of Regents accepts shall be deposited with the State Treasurer in a nonbudgeted account and may be invested as the Board of Regents directs in accordance with law.

(m) The Board of Regents may perform any other duty necessary to carry out its powers.

(n) (1) The President shall develop an overall plan that is consistent with the statewide plan for higher education and the Charter that:

(i) Sets forth both long-range and short-range goals, objectives, and priorities for postsecondary education, research, and service provided by the University;

(ii) Subject to § 11–105 of this article, identifies the role, function, and mission of the University;

(iii) Provides for the enhancement of the University as the State’s preeminent public urban research university;

(iv) Encourages and supports high quality undergraduate and graduate programs on its campuses; and

(v) Stimulates outreach to the community and State through close relationships with public elementary and secondary schools, business and industry, and governmental agencies.

(2) The Board of Regents shall review, modify as it deems necessary, and approve the plan.

(3) By July 1 of each year, the Board of Regents shall submit to the Maryland Higher Education Commission, to the Governor and, subject to § 2–1257 of the State Government Article, to the General Assembly an annual review of the plan.

(o) (1) Notwithstanding any other provision of law, and except as provided in paragraph (2) of this subsection, the University shall use the statewide Financial Management Information System administered by the Department of Budget and Management as its accounting, budgeting, personnel, and payroll systems.

(2) The University may use an internal financial management information system software program and State-approved interfaces for its accounting, budgeting, personnel, and payroll systems.

(p) The Legislative Auditor shall audit all expenditures and accounts of the University in accordance with §§ 2–1220 through 2–1227 of the State Government Article.

(q) (1) The Board of Regents:

(i) Has the power to sue or be sued; and

(ii) May carry comprehensive liability insurance to protect the Board of Regents, its agents, and employees.

(2) The determination whether to purchase insurance, and its scope and limitations, shall be within the Board of Regents' discretion, taking into account commercial availability and affordability and the existence and extent of insurance secured by the State Treasurer.

(3) (i) Title 12, Subtitle 1 of the State Government Article ("Maryland Tort Claims Act") applies to claims or actions against the University, the Board of Regents, and employees of the University.

(ii) Subject to all exclusions and limitations in that subtitle, the immunity of the University is waived to the extent of any insurance coverage purchased under this subsection.

(4) This subsection may not be construed to waive or abrogate sovereign immunity with respect to any claim that is not covered by or exceeds the limits of an insurance policy.

(5) This subsection may not be construed to waive or abrogate the immunity of the University under the Eleventh Amendment to the United States Constitution.

(6) (i) Subject to the approval of the Board of Public Works, the Board of Regents may acquire, lease, encumber, sell, or otherwise dispose of real property held by the State for the use of the University.

(ii) The Board of Regents may acquire, lease, encumber, sell, or otherwise dispose of personal property.

(iii) All property of the University is the property of the State.

(r) (1) Except as provided in subsection (k)(1) of this section, the Board of Regents may delegate any part of its authority over the affairs of the University to the President.

(2) The Board of Regents may modify or rescind at any time in whole or in part any delegation of authority granted by it to the President.

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